



*AW-91*

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth T. Heruth; Confirmation No. 1025  
Keith A. Miesel  
Serial No.: 10/826,926 Filed: April 15, 2004  
Examiner: Rex R. Holmes Group Art Unit: 3762  
Docket No.: 1023-359US01 Customer No.: 28863  
Title: COLLECTING POSTURE INFORMATION TO EVALUATE THERAPY

CERTIFICATE UNDER 37 CFR 1.8: I hereby certify that this correspondence is being deposited with the United States Post Service, as First Class Mail, in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on July 25, 2007.

By: *Sarah Yonkovich*  
Name: Sarah Yonkovich

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment  
Commissioner for Patents  
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits the references listed on the attached form PTO-1449. This Information Disclosure Statement is being filed after a first Office Action on the merits but before a Notice of Allowance or a Final Rejection.

Applicant has enclosed a copy of each article cited and each foreign document cited. Copies of the U.S. patents are not enclosed as this requirement has been waived by the U.S. Patent Office.

Please charge Deposit Account No. 50-1778 in the amount of \$180.00 to cover the required fee set forth in §1.17(p) for a large entity. Please apply any other charges or credits to

Deposit Account No. 50-1778.

07/31/2007 TNGUYEN2 00000061 501778 10826926

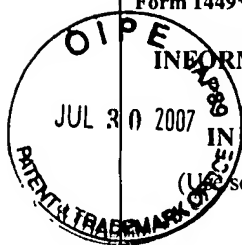
01 FC:1806 180.00 DA

Date: 7-25-07

Shumaker & Sieffert, P.A.  
1625 Radio Drive, Suite 300  
Woodbury, Minnesota 55125  
Phone: (651) 735-1100  
Fax: (651) 735-1102

Respectfully submitted,

*Jason D. Kelly*  
By: Jason D. Kelly  
Reg. No. 54,213



<b>Form 1449*</b>		<b>Docket Number:</b> 1023-359US01	<b>Application Number:</b> 10/826,926
<b>INFORMATION DISCLOSURE STATEMENT IN AN APPLICATION</b> (Use several sheets if necessary)		<b>Applicant:</b> Kenneth T. Heruth; Keith A. Miesel	
		<b>Filing Date:</b> April 15, 2004	<b>Group Art Unit:</b> 3762
		<b>Examiner Name:</b> Rex R. Holmes	

## U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Issue/Document Publication Date	Name	Filing Date If Appropriate
	5,275,159	01/04/1994	Griebel	
	5,469,861	11/28/1995	Piscopo et al.	
	5,904,708	05/18/1999	Goedeke	
	6,366,813 B1	04/02/2002	DiLorenzo	
	6,416,471 B1	07/09/2002	Kumar et al.	
	2002/0177882 A1	11/28/2002	DiLorenzo	
	6,819,956 B2	11/16/2004	DiLorenzo	
	2005/0021103 A1	01/27/2005	DiLorenzo	
	2005/0021104 A1	01/27/2005	DiLorenzo	
	6,881,192 B1	04/19/2005	Park	
	2005/0119703 A1	06/02/2005	DiLorenzo	
	2005/0215847 A1	09/29/2005	Heruth et al.	
	2005/0222626 A1	10/06/2005	DiLorenzo	
	2005/0240086 A1	10/27/2005	Akay	
	2005/0240242 A1	10/27/2005	DiLorenzo	
	2005/0245790 A1	11/03/2005	Bergfalk et al.	
	2006/0224191 A1	10/05/2006	DiLorenzo	
	2006/0293720 A1	12/28/2006	DiLorenzo	
	7,162,304 B1	01/09/2007	Bradley	
	2007/0073355 A1	03/29/2007	DiLorenzo	
	7,209,787 B2	04/24/2007	DiLorenzo	
	2007/0142862 A1	06/21/2007	DiLorenzo	

## FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Publication Date	Country	Translation	
				Yes	No
	198 31 109	01/13/2000	Germany	abstract	
	1 322 227 B1	12/28/2005	EP		
	WO 99/13765	03/25/1999	PCT		
	WO 03/024325	03/27/2003	PCT		

## OTHER DOCUMENTS (Including Authors, Title of Item, Page(s), Vol/Issue No., Publisher, Place of Publication)

	Amzica, "Physiology of Sleep and Wakefulness as it Relates to the Physiology of Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 488-503, (2002).
--	--

	Dinner, "Effect of Sleep on Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 504-513, (2002).
	Foldvary-Schaefer, "Sleep Complaints and Epilepsy: The Role of Seizures, Antiepileptic Drugs and Sleep Disorders," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 19(6), pp. 514-521, (2002).
	Mendez et al. "Interactions Between Sleep and Epilepsy," Journal of Clinical Neurophysiology, American Clinical Neurophysiology Society, 18(2), pp. 106-127, (2001).
	Kerr et al., "Analysis of the sit-stand-sit movement cycle in normal subjects," Clinical Biomechanics, Vol. 12, No. 4, pp. 236-245, (1997).
	Aminian et al. "Physical Activity Monitoring Based on Accelerometry: Validation and Comparison with Video Observation," Medical & Biological Engineering & Computing, vol 37, no. 2, pp. 304-308 (1999).
	Medcare – A Global Leader in Sleep Diagnostics, Embletta Recording System, <a href="http://www.medcare.com/products/diagnostic/embletta/">http://www.medcare.com/products/diagnostic/embletta/</a> , 2 pgs. January 31, 2005.
	Medcare – A Global Leader in Sleep Diagnostics, Somnologia for Embletta, <a href="http://www.medcare.com/products/diagnostic/embletta/SomnoEmbletta/index.asp">http://www.medcare.com/products/diagnostic/embletta/SomnoEmbletta/index.asp</a> , 1 pg. January 31, 2005.
	MAP Medizin-Technologie GmbH, Poly-MESAM®, <a href="http://195.244.124.130/map/de/eng/map_med.nsf/cmsall/70564A3FCBE4188AC1256EF4...">http://195.244.124.130/map/de/eng/map_med.nsf/cmsall/70564A3FCBE4188AC1256EF4...</a> , 4 pgs. January 31, 2005.
	Merlin, <a href="http://www.aha.ru/~pir/english/merlin/">http://www.aha.ru/~pir/english/merlin/</a> , 4 pgs. January 31, 2005.
	Sleep Solutions – PR Newswire: Sleep Solutions Introduces NovaSom™ QSG™ for PSG., <a href="http://www.sleep-solutions.com/press_room/novasom.htm">http://www.sleep-solutions.com/press_room/novasom.htm</a> , 2 pgs. January 31, 2005.
	Itamar Medical Information, <a href="http://itamar-medical.com/content.asp?id-id=31">http://itamar-medical.com/content.asp?id-id=31</a> , 2 pgs. January 31, 2005.
	Criticare System Inc., -504DX Portable Pulse Oximeter, <a href="http://www.csiusa.com/504dx.html">http://www.csiusa.com/504dx.html</a> , 4 pgs. January 31, 2005.
	Snap® Laboratories, Product Fact Sheet, <a href="http://www.snaplab.com/mp_fact.htm">http://www.snaplab.com/mp_fact.htm</a> , 2 pgs. January 31, 2005.
	Sleep Strip & Bite Strip, <a href="http://www.quietsleep.com/snoringapnea/sleepstrip.htm">http://www.quietsleep.com/snoringapnea/sleepstrip.htm</a> , 8 pgs. January 31, 2005.
	"Bitestrip Flier," downloaded from Internet Archive of <a href="http://www.quietsleep.com">www.quietsleep.com</a> dated January 29, 2005 <a href="http://web.archive.org/web/20041124080003/www.quietsleep.com/pdf/Bitestrip+Flier.pdf">http://web.archive.org/web/20041124080003/www.quietsleep.com/pdf/Bitestrip+Flier.pdf</a> .
	"Bilateral Comparisons of the BiteStrip Bruxism Device and Masseter EMG Bruxism Events" downloaded from Internet Archive of <a href="http://www.quietsleep.com">www.quietsleep.com</a> dated January 29, 2005 <a href="http://web.archive.org/web/20041124075114/www.quietsleep.com/pdf/Bilateral+Comparisons.pdf">http://web.archive.org/web/20041124075114/www.quietsleep.com/pdf/Bilateral+Comparisons.pdf</a> .
	"The BiteStrip: A Novel Screener for Sleep Bruxism," downloaded from Internet Archive of <a href="http://www.quietsleep.com">www.quietsleep.com</a> dated January 29, 2005 <a href="http://web.archive.org/web/20041124072922/www.quietsleep.com/pdf/BiteStrip-+Novel+Screener.pdf">http://web.archive.org/web/20041124072922/www.quietsleep.com/pdf/BiteStrip-+Novel+Screener.pdf</a> .
<b>EXAMINER</b>	<b>Date Considered</b>
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>Based on Form PTO-FB-A820 Patent and Trademark Office, U.S. Department of Commerce (Also form PTO-1449)</p>	